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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,695	08/02/2002	Niels Rump	SCHO0113	3855
22862	7590	10/10/2008	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025				HENNING, MATTHEW T
ART UNIT		PAPER NUMBER		
2431				
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		10/10/2008		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/913,695	RUMP ET AL.	
	Examiner	Art Unit	
	MATTHEW T. HENNING	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 July 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-17 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 18 June 2007 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

1 This action is in response to the communication filed on 7/8/2008.

DETAILED ACTION

Response to Arguments

4 Applicant's arguments filed 12/20/2006 have been fully considered but are moot in view
5 of the new grounds of rejection presented below.

6 All objections and rejections not set forth below have been withdrawn.

7 Claims 1-17 have been examined.

Claim Rejections - 35 USC § 103

10 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
11 obviousness rejections set forth in this Office action:

12 *A patent may not be obtained though the invention is not identically disclosed or*
13 *described as set forth in section 102 of this title, if the differences between the subject matter*
14 *sought to be patented and the prior art are such that the subject matter as a whole would have*
15 *been obvious at the time the invention was made to a person having ordinary skill in the art to*
16 *which said subject matter pertains. Patentability shall not be negated by the manner in which*
17 *the invention was made.*

19 Claims 1-7, 9-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable
20 over Saito (US Patent Number 6,744,894), and further in view of Rump et al. (DE 196 25 635
21 C1).

22 Regarding claims 1 and 12, Saito disclosed a method for generating an encrypted user
23 data stream, which has a header and a user data block (See Saito Fig. 4G), comprising the
24 following steps: generating the header (See Saito Col. 8 Paragraph 8); and generating the user
25 data block which follows the header by means of the following substeps: using a first part of the
26 user as an unencrypted start section for the user data block, the start section remaining

1 unencrypted (See Saito Fig. 4G and Col. 8 Paragraphs 6-10); encrypting a second part of user
2 data to be encrypted which follow the first part of the user data to obtain encrypted data (See
3 Saito Fig. 4G); and appending the encrypted user data to the unencrypted start section (See Saito
4 Fig. 4G), but Saito failed to disclose using the first part of the user data as the unencrypted start
5 section, or that the unencrypted start section is placed immediately after the header.

6 Rump teaches that unencrypted data can be used as sample data for the content and that
7 the data should be the first 20 seconds in length of the content (See Rump Col. 2 Last Paragraph
8 to Col. 3 First paragraph).

9 It would have been obvious to the ordinary person skilled in the art at the time of
10 invention to employ the teachings of Rump in the content encryption system of Saito by
11 providing the first 20 seconds of the content as unencrypted sample data. This would have been
12 obvious because the ordinary person skilled in the art would have been motivated to allow the
13 user to sample the content before purchasing the content. In this combination, it would have
14 been obvious to the ordinary person skilled in the art at the time of invention to have placed the
15 unencrypted sample data immediately following the header data. This would have been obvious
16 because the ordinary person skilled in the art would have been motivated to provide the content
17 data in the proper order following the header.

18 Regarding claims 6 and 7, Saito and Rump disclosed a method for playing back an
19 encrypted user data stream, which has a header and a user data block, where an unencrypted start
20 section of the user data block, which is placed immediately after the header, comprises the first
21 part of the user data in an unencrypted form, and where a further section of the user data block
22 comprises a second part of the user data in an encrypted form, where the header comprises

1 information which is absolutely necessary for playing back the unencrypted start section of the
2 user data block and where the header also comprises information which is not needed to play
3 back the unencrypted start section of the user data block (See Saito Fig. 4G and Col. 8),
4 comprising: initially processing only the information of the header which is absolutely necessary
5 for playing back the unencrypted start section of the user data block (See Saito Col. 8 Paragraph
6 2 and Rump Col. 2 Last Paragraph to Col. 3 First paragraph), processing the information of the
7 header which is not needed to play back the unencrypted start section (See Saito Col. 8
8 Paragraphs 2-10); decrypting the further section of the user data block using the information of
9 the header which is processed in the step of processing (See Saito Col. 8 Paragraphs 2-10); but
10 failed to disclose specifically playing back the data. However, it is implied that the data was
11 meant to be played back since Saito disclosed that the data was video data (See Saito Col. 8
12 Paragraph 2).

13 Regarding claims 13-14, Saito and Rump disclosed a method for playing back an
14 encrypted multimedia data stream, which has a header and a user data block, where an
15 unencrypted start section of the user data block, which is placed immediately after the header,
16 comprises the first part of the user data in an unencrypted form and where a further section of the
17 user data block comprises a second part of the user data in an encrypted form, where the header
18 comprises information which is absolutely necessary for playing back the unencrypted start
19 section of the user data block and where the header also comprises information which is not
20 needed to play back the unencrypted start section of the user data block (See Saito Fig. 4G and
21 Col. 8), comprising the following steps: initially processing the information of the header which
22 is absolutely necessary for playing back the unencrypted start section of the user data block (See

1 Saito Col. 8 Paragraph 2), processing the information of the header which is not needed to play
2 back the unencrypted start section (See Saito Col. 8 Paragraphs 2-10 and Rump Col. 2 Last
3 Paragraph to Col. 3 First paragraph); and decrypting the further section of the user data block
4 using the information of the header which is processed by the unit for processing (See Saito Col.
5 8 Paragraphs 2-10); but failed to disclose specifically playing back the data. However, it is
6 implied that the data was meant to be played back since Saito disclosed that the data was video
7 data (See Saito Col. 8 Paragraph 2), and it was further obvious that playback would have been in
8 response to processing the header data (used to allow the content to be recognized, as seen in
9 Saito Col. 8). Saito further did not specifically disclose a unit which only processes the header.
10 However, it was well known in the art that modularization of a system improved the flexibility
11 and comprehensibility of the system, and as such it would have been obvious to have broken the
12 system in to different modules, and as header processors were also well known in the art it would
13 have been obvious to have used a dedicated header processor in the system of Saito.

14

15 Regarding claim 3, Saito and Rump disclosed that the second part does not comprise all
16 the user data to be encrypted and wherein the step of generating the user data block includes the
17 following substep: appending a third part of user data to be encrypted, which follow the second
18 part, to the encrypted user data of the second part, the user data of the third part being
19 unencrypted (See Saito Fig. 4G and Col. 8).

20 Regarding claims 2, and 4-5, Saito and Rump disclosed generating the header (See the
21 rejection of claim 1 above) but failed to specifically disclose entering the length of the
22 unencrypted start section in the header. However, Saito did disclose that the header data needed

1 to contain information that would allow the content to be recognized. Furthermore, it was well
2 known at the time of invention that header data included the various lengths of portions of the
3 data associated with the header. Also, it was well known to include a total length for the content
4 in the header. Therefore, it would have been obvious to the ordinary person skilled in the art at
5 the time of invention to employ what was known in the art at the time of invention by adding the
6 lengths of the various portions of the content in Fig. 4G to the header and the total length. This
7 would have been obvious because the ordinary person skilled in the art would have been
8 motivated to allow the content to be recognized.

9 Regarding claims 9 and 16, Saito and Rump disclosed that the length of the unencrypted
10 start section of the user data block is between 1 and 60 seconds (Rump Col. 2 Last Paragraph to
11 Col. 3 First paragraph).

12 Regarding claim 10, Saito and Rump disclosed that the data was encoded (See Saito Col.
13 2 Paragraph 2) and it was therefore obvious that the type of coding was indicated in the header
14 data in order to recognize the data.

15 Regarding claims 11, and 17, Saito and Rump disclosed the data as audio or video data
16 (See Saito Col. 8 Paragraph 2).

17 Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and
18 Rump as applied to claims 7 and 14 above, and further in view of Downs et al. (US Patent
19 Number 6,226,618).

20 Saito and Rump disclosed the different portions of header data (See the rejection of claim
21 6 above), but failed to disclose concurrent processing of the encrypted data while playing back
22 the unencrypted data.

1 Downs teaches that concurrently decrypting the data while playing unencrypted data
2 makes the decryption more efficient since the entire file does not need to be decrypted prior to
3 beginning playback (See Downs Col. 82 Paragraph 5).

4 It would have been obvious to the ordinary person skilled in the art at the time of
5 invention to employ the teachings of Downs in the decryption system of Saito by concurrently
6 playing and decrypting. This would have been obvious because the ordinary person skilled in
7 the art would have been motivated to increase the efficiency of the decryption system.

Conclusion

Claims 1-17 have been rejected.

10 The prior art made of record and not relied upon is considered pertinent to applicant's
11 disclosure.

12 Applicant's amendment necessitated the new ground(s) of rejection presented in this
13 Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

14 Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15 A shortened statutory period for reply to this final action is set to expire THREE
16 MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
17 MONTHS of the mailing date of this final action and the advisory action is not mailed until after
18 the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
19 will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
20 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
21 however, will the statutory period for reply expire later than SIX MONTHS from the date of this
22 final action.

1

2 Any inquiry concerning this communication or earlier communications from the
3 examiner should be directed to MATTHEW T. HENNING whose telephone number is
4 (571)272-3790. The examiner can normally be reached on M-F 8-4.

5 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
6 supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the
7 organization where this application or proceeding is assigned is 571-273-8300.

8 Information regarding the status of an application may be obtained from the Patent
9 Application Information Retrieval (PAIR) system. Status information for published applications
10 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
11 applications is available through Private PAIR only. For more information about the PAIR
12 system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR
13 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would
14 like assistance from a USPTO Customer Service Representative or access to the automated
15 information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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17
18 /Matthew T Henning/
19 Examiner, Art Unit 2431
20
21 /Christopher A. Revak/
22 Primary Examiner, Art Unit 2431